

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Femi Joseph Daramola,

No. 24-cv-761 (KMM/ECW)

Plaintiff,

v.

ORDER

Dungarvin Incorporated, Minnesota, and
Lura Marrie Solie,

Defendants.

Plaintiff Femi Joseph Daramola brought this action, *pro se*, alleging that Defendant Dungarvin Incorporated wrongfully discharged him from his job. On August 5, 2024, the Court issued an Order vacating the Clerk's Entry of Default against Dungarvin and denying Mr. Daramola's motion for default judgment. ECF 21. In that Order, the Court explained that Mr. Daramola applied for entry of default and sought default judgment prematurely based on United State Magistrate Judge Dulce J. Foster's prior Orders concerning service and setting deadlines for Mr. Daramola to provide notice to Dungarvin of its obligation to answer or otherwise respond. *Id.* Later that same day, Mr. Daramola again applied for entry of default and filed a motion for default judgment. ECF 23, 24. For the same reasons that the Court previously explained in its August 5th Order, Mr. Daramola's application for entry of default and motion for default judgment are premature. Therefore, the motion for default judgment is **DENIED**.

On August 8, 2024, Defendant Dungarvin appeared through counsel in this case and filed a motion to dismiss Mr. Daramola's complaint.¹ ECF 27. Dungarvin filed an affidavit of service indicating that its motion and supporting documents were served on Mr. Daramola's spouse at the couple's home on the evening of August 8th. By operation of the Local Rules for the District of Minnesota, Mr. Daramola's response to the motion was due on August 29, 2024. D. Minn. LR 7.1(c)(2) (providing a 21-day deadline for responding to a dispositive motion). However, as of the date of this Order, Mr. Daramola has not filed any response to Dungarvin's motion to dismiss. In recognition of Mr. Daramola's status as a *pro se* litigant, the Court issues the following Briefing Schedule to apply to the motion to dismiss.

1. **On or before September 27, 2024**, Plaintiff Femi Joseph Daramola shall file a memorandum of law and any other supporting documents, *see* D. Minn. LR 7.1(c)(2)(A)–(B), in response to Defendant Dungarvin, Inc.'s motion to dismiss. The Court cautions Mr. Daramola that failure to file a response to Defendant's motion to dismiss may result in the Court finding that his case should be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).
2. Defendant shall file any reply memorandum in support of its motion to dismiss, *see* D. Minn. LR 7.1(c)(3), **within 14 days** after receiving service of Plaintiff's response.
3. Upon receipt of the briefing permitted by this Order, the Court will take Defendant's motion under advisement without a hearing and issue a written order.

IT IS SO ORDERED.

¹ Judge Foster's July 22nd Order required Plaintiff to serve Dungarvin with a notice that it had ten days to answer or otherwise respond to the complaint. ECF 16. Dungarvin's ten days ran from the date that Mr. Daramola served the notice on Dungarvin. He served Dungarvin with such a notice on July 31, 2024. ECF 17. Therefore, Dungarvin's August 8th filing of the motion to dismiss was timely.

Date: September 6, 2024

s/Katherine Menendez

Katherine Menendez
United States District Judge